

wvega.txt

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2 UNITED STATES DISTRICT COURT  
 3 SOUTHERN DISTRICT OF NEW YORK  
 4 -----X  
 5 YEVGENIY DIKLER,  
 6 Plaintiff,  
 7 -against-  
 8 THE CITY OF NEW YORK, DETECTIVE MICHAEL  
 9 VISCONTI, shield # 06482, SECURITY OFFICER  
 10 WILSON VEGA, HWA INC.,  
 11 Defendants.  
 12 Index No: 07cv5984  
 13 -----X  
 14

15 May 12, 2008  
 16 10:20 a.m.

17 EXAMINATION BEFORE TRIAL of Defendant,  
 18 WILSON VEGA, taken by Adverse Parties, pursuant to  
 19 Notice, held at the Offices of Lester Schwab Katz &  
 20 Dwyer, LLP, 120 Broadway, New York, New York,  
 21 before a Notary Public of the State of New York.  
 22

23 \* \* \*

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1 A P P E A R A N C E S :  
 2  
 3 DAVID ZELMAN, ESQ.  
 4 Attorney for Plaintiff - Yevgeniy Dikler  
 5 612 Eastern Parkway  
 6 Brooklyn, new York 11225  
 7  
 8 MICHAEL A. CARDOZO, Corporation Counsel  
 9 Attorney for Defendants - The City of New York  
 10 and Detective Michael Visconti  
 11 100 Church Street  
 12 New York, New York 10007  
 13 BY: JOYCE CAMPBELL PRIVETERRE, ESQ.  
 14  
 15 LESTER SCHWAB KATZ & DWYER, LLP  
 16 Attorneys for Defendants -  
 17 Wilson Vega and HWA Inc.  
 18 120 Broadway  
 19 New York, New York  
 20 BY: SANDORO BATTAGLIA, ESQ.

21 \* \* \*

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1 IT IS HEREBY STIPULATED AND AGREED by  
 2 and between the attorneys for the respective  
 3 parties hereto that the sealing, filing and  
 4 certification of the transcript of the within  
 5 Examination Before Trail be, and the same hereby  
 6 are waived and sworn to before any Notary Public  
 7 or Commissioner of Deeds with the same force and  
 8 effect as if signed before an Officer of the Court.  
 9  
 10 IT IS FURTHER STIPULATED AND AGREED that

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11 all objections, except as to form of the question,  
12 are reserved to the trial of this action.  
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1 W I L S O N   V E G A ,  
2 a Defendant herein, after having been first  
3 duly sworn before a Notary Public of the State  
4 of New York, was examined and testified as  
5 follows:

6 THE REPORTER: Ms. Priveterre, do  
7 you want a copy of this transcript?

8 MS. PRIVETERRE: Yes.

9 THE REPORTER: Will you state your  
10 name and address for the record.

11 THE WITNESS: Wilson Vega. 643  
12 Laurence Street, Elmont, New York 11030.

13 EXAMINATION BY

14 MR. ZELMAN:

15 Q Good morning, Mr. Vega.

16 A Good morning.

17 Q My name is David Zelman. I'm the  
18 attorney for two plaintiffs, Yevgeniy Dikler and  
19 Lajzer Goynsztaja, and it's my understanding you  
20 are being deposed in both of these cases here  
21 today.

22 If that your understanding?

23 A No, no.

24 Q What is your understanding?

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1 A One case, Mr. Dikler.

2 MR. ZELMAN: Counsel, do you agree  
3 that we're also deposing Mr. Vega with  
4 respect to Lajzer Goynsztaja, Index  
5 number 07CV6538, as well as Yevgeniy  
6 Dikler?

7 MR. BATTAGLIA: Yes. By counsel,  
8 when we requested that Mr. Vega come here  
9 by letter, it was reflecting only the  
10 Dikler case, but it's our intention to  
11 provide him for both.

12 MR. ZELMAN: And is he prepared to  
13 testify in the Goynsztaja case?

14 MR. BATTAGLIA: I think so, to the  
15 extent his information is limited.

16 MR. ZELMAN: Counsel, do you agree  
17 he is being deposed in both cases at this  
18 time?

19 MS. PRIVETERRE: I do.

20 Q Good morning. Are you currently

21 Page 2

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22 employed?  
 23 A Yes.  
 24 Q Where?  
 25 A 26 Federal Plaza.  
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1  
 2 Q Who is your employer?  
 3 A Wachenhut.  
 4 Q You do security for them?  
 5 A Yes.  
 6 Q Who did you work for prior?  
 7 A They took over the contract the beginning  
 8 of this year, January.  
 9 Q January of '08?  
 10 A Yes.  
 11 Q What is your title there with Wachenhut?  
 12 A Security officer.  
 13 Q Where do you work there?  
 14 A In the main entrance to 26 Federal Plaza.  
 15 The Broadway Street entrance.  
 16 Q Prior to your employment with Wachenhut,  
 17 were you employed?  
 18 A Yes, sir.  
 19 Q And who was your employer then?  
 20 A HWA.  
 21 Q When did you first become employed by  
 22 HWA?  
 23 A When they took over the contract.  
 24 Q What was the date?  
 25 A I don't remember.

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W. Vega

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1  
 2 Q Do you remember the year?  
 3 A Yeah, different year.  
 4 Q What year?  
 5 A I -- 2002.  
 6 Q 2002. And you stopped working for HWA in  
 7 January of '08?  
 8 A Yes, sir.  
 9 Q There was no gap between your employment  
 10 with HWA and Wachenhut?  
 11 A No, sir.  
 12 Q When you left HWA, what was your title?  
 13 A Security officer.  
 14 Q And were you employed at 26 Federal  
 15 Plaza?  
 16 A Yes.  
 17 Q During the entire tenure of 2002 to 2008?  
 18 A Yes, sir.  
 19 Q Before you became a security officer at  
 20 HWA, did you receive any training?  
 21 A Yes, sir.  
 22 Q What training did you receive?  
 23 A X-ray technician.  
 24 Q Anything else?  
 25 A First aid.

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W. Vega

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 2 Q First aid?  
 3 A Yes, sir. And hand-to-hand combat.  
 4 Q Anything else?  
 5 A Handcuff procedures.  
 6 Q Anything else?

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7 A Metal detectors to detect metal on a  
 8 person.  
 9 Q Anything else?  
 10 A Search, how to search persons for metal  
 11 on them.  
 12 Q How long did your training go on? How  
 13 long was your training? Was it more than a week?  
 14 A Yes, sir.  
 15 Q More than two weeks?  
 16 A More than two weeks.  
 17 Q How long were they?  
 18 A They split up the training, two weeks.  
 19 Q Two weeks, total?  
 20 A Yes.  
 21 Q After the two weeks, did you receive  
 22 anymore training?  
 23 A Refresher courses.  
 24 Q Okay, how often were the refresher  
 25 courses?  
 0009

1 W. Vega 9  
 2 A Like eight hours.  
 3 Q How often?  
 4 A Within the interval of one year.  
 5 Q Eight hours in one year.  
 6 A Yes, sir.  
 7 Q What was done at the refresher courses?  
 8 A Shooting courses, taking-down procedures.  
 9 CPR. Handcuff procedures.  
 10 Q Okay. You didn't carry a weapon as a  
 11 security officer, did you?  
 12 A I did. I'm armed.  
 13 Q That was from 2002 to 2008?  
 14 A Yes, sir.  
 15 Q During your tenure from 2002 and 2008,  
 16 did you mostly work at the main entrance?  
 17 A Yes.  
 18 Q Did you always work at the main entrance?  
 19 A Yes.  
 20 Q Did you always work at the x-ray machine?  
 21 A Yes.  
 22 Q And that's still your function today?  
 23 A Yes.  
 24 Q When you started with HWA, did you fill  
 25 out an employment application?  
 0010

1 W. Vega 10  
 2 A Yes, sir.  
 3 Q How many pages was it?  
 4 A I can't remember.  
 5 Q Did they ask you if you had ever been  
 6 arrested before?  
 7 A Yes.  
 8 Q What did you write?  
 9 A "Yes."  
 10 Q Have you ever been arrested before?  
 11 A Yes.  
 12 Q When was that?  
 13 A Nineteen -- but I know it was before that  
 14 date.  
 15 Q Was it one time or more than one time?  
 16 A One time.  
 17 Q What was it for?

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18 A Family dispute.  
 19 Q Were you convicted?  
 20 A No, sir.  
 21 Q The case was dismissed?  
 22 A Yes.  
 23 Q Any other arrests?  
 24 A No.  
 25 Q Were you ever disciplined while working

0011 W. Vega 11  
 1 for HWA?  
 2 A No.

3 Q Were you ever reprimanded while working  
 4 for HWA?  
 5 A No.

6 Q What about Wachenhut?  
 7 A No, sir.  
 8 Q From 2002 to 2008, did you have one  
 9 supervisor for HWA or more than one?

10 A More than one.  
 11 Q Did it change periodically?  
 12 A Daily.  
 13 Q Daily, okay.

14 A Did you have one primary supervisor?

15 A No.  
 16 Q Okay. Did you review any documents in  
 17 preparation for today's deposition?

18 A Only one.  
 19 Q Okay, and that's the affidavit that you  
 20 filled out with respect to the Dikler case?  
 21 MR. BATTAGLIA: This is actually  
 22 the offense incident report with respect  
 23 to Dikler, and below is the two-page  
 24 affidavit. There's actually a fourth

0012 W. Vega 12  
 1 page that you could look at.  
 2 MR. ZELMAN: Okay, fine.

3 Q Anything else?  
 4 A No, sir.  
 5 Q Did you read the complaint in the Dikler

6 case?  
 7 A No.  
 8 Q Are you aware of what he's complaining

9 about?  
 10 A No, sir.  
 11 Q All right, let me take a look at this and  
 12 we'll start.

13 Okay, while you were working for HWA, did  
 14 you ever receive any instructions about how to  
 15 handle people who came in with any type of badge?

16 A Yes, sir.  
 17 Q And when did you receive those  
 18 instructions?

19 A When they took over the contract. They  
 20 were in effect before, in force before that.

21 Q In 2002?  
 22 A Yes, sir.  
 23 Q So --

24 MR. BATTAGLIA: Just if I can  
 25 0013 W. Vega 13  
 1 interrupt.



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14 A About a year ago.  
 15 Q A year ago, so that would be 2007?  
 16 A Yes, sir.  
 17 Q How many affidavits like the one you have  
 18 in front of you did you fill out while you were  
 19 employed by HWA?  
 20 A I don't recall.  
 21 Q Would it be more than 100?  
 22 A I don't recall.  
 23 Q Was it a daily basis that you had to fill  
 24 out these affidavits?  
 25 A Yes.

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1 W. Vega 16  
 2 Q Did you have to sometimes fill out more  
 3 than one on the same day?  
 4 A Yes, sir.  
 5 Q Did you fill out more than one on the  
 6 same day?  
 7 A Don't recall.  
 8 Q More than five on the same day?  
 9 A Don't recall.  
 10 Q But you remember filling those out on a  
 11 daily basis?  
 12 A Yes, sir.  
 13 Q Generally speaking, those affidavits that  
 14 you would fill out, who asked you to fill them out?  
 15 A FPO is federal police officers.  
 16 Q Anyone in particular while you were  
 17 working for HWA?  
 18 A No, sir.  
 19 Q In 2007, you say you became aware that  
 20 people were getting arrested for carrying a badge,  
 21 correct?  
 22 A Yes, sir.  
 23 Q And at that time, did you learn how many  
 24 people were getting arrested for carrying a badge?  
 25 A No, sir.

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1 W. Vega 17  
 2 Q Today, do you know how many people were  
 3 getting arrested for carrying a badge at 26 Federal  
 4 Plaza?  
 5 A No, sir.  
 6 Q Did you ever learn what happened with  
 7 their criminal cases?  
 8 A No, sir.  
 9 Q Did you ever tell the police that the  
 10 badges that you saw were fraudulent?  
 11 MR. BATTAGLIA: Which police?  
 12 Q Any police that you worked for.  
 13 A No, sir.  
 14 Q Did you ever express an opinion that this  
 15 particular badge was a forged badge?  
 16 A No.  
 17 MS. PRIVETERRE: You're talking  
 18 about the badge in the subject incident?  
 19 MR. BATTAGLIA: Badges, generally.  
 20 Q Did you ever learn the results of any  
 21 prosecution for carrying a fake badge into 26  
 22 Federal Plaza?  
 23 A No, sir.  
 24 Q When you say federal police came, would

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25 they question the person right in front of you?  
 0018

1 A No. W. Vega 18

2 Q Did you ever witness any of those  
 3 questions?

4 A No.

5 Q Did you ever go in the room when the  
 6 police officers asked the person about the badge?

7 A No, sir.

8 Q When HWA became your employer, did the  
 9 rules change at all with respect to how to handle  
 10 badges?

11 A Yes, sir.

12 Q And did you receive those rules in  
 13 writing?

14 A Yes, sir.

15 Q And that was when?

16 A In the beginning of my employment.

17 Q In 1996.

18 A Yes, sir.

19 Q Did you retain a copy of that?

20 A No, sir.

21 Q Whose rules were you given? Were you  
 22 given those rules by HWA predecessor or by 26

23 Federal Plaza security or who --

24 A 26 Federal police.

25 0019

1 W. Vega 19

2 Q 26 Federal police.

3 A Yes.

4 Q But you remember seeing those rules --

5 A Yes.

6 Q When you started working for HWA, were  
 7 you given new procedures?

8 A No.

9 Q Were you given anything in writing by  
 10 Wachenhut about your job?

11 A No.

12 Q HWA?

13 A Never.

14 Q When you started working for HWA, did you  
 15 have additional training?

16 A Yes, sir.

17 Q And at that training, did they give you  
 18 instructions on paper about how to do your job?

19 A Yes.

20 Q Those instructions you got from HWA, did  
 21 they address anything to do with badges?

22 A HWA?

23 Q When you went to the training for HWA,  
 24 they gave you a document about how to do your job.

25 A Yes.

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1 W. Vega 20

2 Q How many pages of document?

3 A I can't remember.

4 Q And my question was: That documentation,  
 5 if you recall, did it address the issue of badges,  
 6 and how you were supposed to handle badges?

7 A I don't recall.

8 Q How much training did you receive when  
 9 you became employed by HWA?

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10 A Meaning --  
 11 Q Hours or --  
 12 A Hands-on.  
 13 Q When HWA took over the contract, did you  
 14 receive another week of training or day of  
 15 training, or something else?  
 16 A Maybe two days.  
 17 Q Two days. Was that right at the  
 18 beginning when HWA took over the contract?  
 19 A No, sir.  
 20 Q How long after?  
 21 A About two months.  
 22 Q And did HWA change how things were going  
 23 to be done by you?  
 24 A No, sir.  
 25 Q It was cone completely the same?

0021 1 W. Vega 21  
 2 A The same.  
 3 Q But you would receive documentation from  
 4 HWA on how they want you to perform your job?  
 5 A Yes, sir.  
 6 Q What specifically were your instructions  
 7 if someone possessed a badge at 26 Federal Plaza?  
 8 A We see it on the x-ray machine or  
 9 presented it, we have to hold it, asked them if  
 10 they have an I.D. to go with the shield. Once we  
 11 have the I.D., we would call the federal police, to  
 12 please stand by over there.  
 13 Q Told them to wait?  
 14 A Yes, sir.  
 15 Q How long would it be that the federal  
 16 police would come?  
 17 A Anywhere between five and ten minutes.  
 18 Q And typically, what would the federal  
 19 police do when they got to this person?  
 20 MR. BATTAGLIA: Note my objection.  
 21 What did you see them do.  
 22 A They -- we handed the shields to them and  
 23 I.D., this young or that gentleman had this on  
 24 them, and they would take them. They would say to  
 25 them, "Please follow me," and they be off.

0022 1 W. Vega 22  
 2 Q Okay. And you never learned what  
 3 happened after that?  
 4 A No, sir.  
 5 Q And even today, you don't know what  
 6 happened to them after that?  
 7 A No, sir.  
 8 Q Were you ever told to put anybody who  
 9 came through the security in cuffs?  
 10 A No, sir.  
 11 Q And those instructions that you just  
 12 stated, did anybody at HWA tell you to do that?  
 13 A Meaning?  
 14 Q Where did you receive those instructions  
 15 from --  
 16 A Procedure.  
 17 Q Yes.  
 18 A GSA.  
 19 Q What does that stand for?  
 20 A Government administration office.

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21 Q Who told you to do that? Or how? In  
 22 writing, was it oral?  
 23 A Both. I don't remember the instructions.  
 24 Q But you received those instructions in  
 25 writing at one point --

0023 W. Vega 23

1 A Yes.  
 2 Q -- that was from GAO?  
 3 A Yes, sir.  
 4 Q Was this government --  
 5 A Government administration office.  
 6 Q Is that GAO?  
 7 A I believe I'm misspelling it. It's GSA,  
 8 but they changed the name over so many years. I  
 9 only know them as Homeland Security.  
 10 Q And when did you get those instructions  
 11 in writing, what year?  
 12 A First time I saw them was 1996 when I  
 13 first started.  
 14 Q To your knowledge, was there ever a  
 15 change while you were employed at 26 Federal Plaza  
 16 as to how you were supposed to handle badges?  
 17 A No, sir.  
 18 Q It's always been the same.  
 19 A Yes, sir.  
 20 Q So even back in 1996, federal security  
 21 would come and take the person away?  
 22 A Yes.  
 23 Q With respect to the affidavit that you  
 24 have in front of you, do you recall who asked you

0024 W. Vega 24

1 to fill that out?  
 2 A I don't recall.  
 3 Q Would that be someone -- you know which  
 4 office they were from?  
 5 A Don't recall.  
 6 Q Do you know who Federal Police Officer  
 7 Torres is?  
 8 A There are so many of them. I can't  
 9 remember him.  
 10 Q Do you recall if in the Dikler case, you  
 11 told Mr. Torres that you observed a badge on the  
 12 x-ray monitor?  
 13 A Yes, sir.  
 14 Q You did do that.  
 15 A I -- I don't remember telling him that.  
 16 when they came, he asked what do I have. I gave  
 17 him the I.D. and the shield.  
 18 Q Do you remember the Dikler case?  
 19 A No, sir.  
 20 Q So --

21 MR. BATTAGLIA: You could refer to  
 22 your report if you'd like, if he's asking  
 23 you questions specifically about it.  
 24 MR. ZELMAN: Let's mark it as

0025 W. Vega 25

1 Plaintiff's 1.  
 2 (Plaintiff's Exhibit # 1 - Four page  
 3 Offense incident report - received and  
 4 marked for identification, as of this

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6 date.)  
 7 Q Okay, with respect to Plaintiff's Exhibit  
 8 1, does that refresh your recollection as to  
 9 handling Mr. Dikler's badge?  
 10 A I don't recall.  
 11 Q Okay. Is that because you filled out so  
 12 many of these they kind of all blend into one?  
 13 A Yes, sir.  
 14 Q Did you ever speak to New York City  
 15 police officers with respect to recovering badges?  
 16 A A few times.  
 17 Q How many times did you speak to New York  
 18 City police officers?  
 19 A I can't recall.  
 20 Q And the times that you did speak to them,  
 21 was it in person or on the phone?  
 22 A In person.  
 23 Q Would they come over to the conveyor  
 24 belt, to the entrance where you were stationed?  
 25 A No. They never came.

0026 W. Vega 26  
 1 Q So where did you speak to them?  
 2 A Once in a while they will go to federal  
 3 police office. If not, upstairs, in their main  
 4 office upstairs on the 18th floor.  
 5 Q Okay. Do you remember if in the Dikler  
 6 case you spoke to any NYPD?  
 7 A I don't recall.  
 8 Q When you were asked to speak to NYPD, was  
 9 it with respect to badges?  
 10 A Yes, sir.  
 11 Q And approximately how many times were you  
 12 asked to speak to NYPD?  
 13 A I don't recall.  
 14 Q More than ten?  
 15 A I don't recall.  
 16 Q It was not an unusual occurrence that you  
 17 would speak to NYPD; is that correct?  
 18 A Yes, sir.  
 19 Q When you did speak to NYPD, what would  
 20 they ask you about?  
 21 A Where did the gentleman have it on him?  
 22 Did he present it? And what was his -- what's the  
 23 word I'm looking for -- was he nervous when he came  
 24 in the building.  
 25

0027 W. Vega 27  
 1 Q Okay, with respect to Mr. Dikler, did he  
 2 present it when he came in or you saw it on the  
 3 belt?  
 4 A I saw it on the belt.  
 5 Q But you don't recall speaking to the  
 6 police on the Dikler case?  
 7 A No, sir.  
 8 Q Did you ever tell the police that you  
 9 recovered this shield from Mr. Dikler's jacket?  
 10 MR. BATTAGLIA: Take a look at the  
 11 report if you want to refresh your  
 12 memory.  
 13 A I don't remember telling the police that.  
 14 Q And that's because you saw it on the  
 15 conveyor belt?

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17 A Yes, sir.  
 18 Q Do you have any notes other than what is  
 19 in front of you with respect to Mr. Dikler's case?  
 20 A Notes on Mr. Dikler, no.  
 21 Q You wouldn't typically keep any memo  
 22 book?  
 23 A Not on this.  
 24 Q Would you typically keep a memo book?  
 25 A Yes.

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1 W. Vega 28  
 2 Q Why wouldn't you have --  
 3 A I meant the pages.  
 4 Q What would be contained in your memo  
 5 book?  
 6 A The time, the date. Pretty much the same  
 7 information here.  
 8 Q You have a copy of your memo book for  
 9 this day, March 22, 2006?  
 10 A No, sir. Memo books at 26 Federal Plaza  
 11 are property of HWA, they would have it.  
 12 Q So you did write a memo book entry for  
 13 March 28, 2008?  
 14 A Yes, sir.  
 15 Q And typically, you would put what in  
 16 there?  
 17 A The same information on this page.  
 18 Q Okay, you believe there would be some  
 19 information regarding Mr. Dikler in your memo book?  
 20 A It would be the same one, yes, sir.  
 21 Q Now you never told the NYPD that Mr.  
 22 Dikler's was forged, correct?  
 23 A No, I never told him.  
 24 Q You never said this is a forged badge or  
 25 non-forged badge?

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1 W. Vega 29  
 2 A No, sir.  
 3 Q Do you recall whether Mr. Dikler was  
 4 nervous when he came into the building?  
 5 A I don't recall.  
 6 Q Do you recall being asked that?  
 7 A No, I don't.  
 8 Q Mr. Dikler didn't try to use his badge to  
 9 get into the building, correct?  
 10 A No, sir.  
 11 Q Do you recall if you handed Mr. Torres a  
 12 gold in color NYC style sunburst detective shield?  
 13 MR. BATTAGLIA: With respect to Mr.  
 14 Dikler?  
 15 MR. ZELMAN: Yes.  
 16 A Yes, sir.  
 17 Q You recall that?  
 18 A Yes, sir.  
 19 Q You recall it being gold in color?  
 20 A Yes.  
 21 Q Just typically with respect to Mr.  
 22 Dikler.  
 23 A Yes.  
 24 Q How is it you recall that? Is it from  
 25 your notes?

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1 W. Vega 30  
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2 A Yes.  
3 Q Do you recall Torres asking you to  
4 respond to the tour commander's office to fill out  
5 an affidavit with respect to Mr. Dikler?

6 A I don't remember.  
7 Q Do you recall telling Torres that you  
8 were on the conveyor belt, you were watching the  
9 conveyor belt when you saw the shield?

10 A Yes, sir.  
11 Q Did you ask Mr. Dikler for I.D.?  
12 A Yes.  
13 Q Did he show it to you?  
14 A Yes, sir.  
15 Q And then you called for federal security.  
16 A Yes, sir.  
17 Q Do you recall anything else regarding Mr.

18 Dikler's case?

19 A No.

20 MR. ZELMAN: Let's mark this.  
21 Q If I gave you the name Lajzer Goynsztaja,  
22 does that ring any bell for you?  
23 A No, sir.

24 MR. ZELMAN: Let's mark this as  
25 Plaintiff's 2.

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1 W. Vega 31

2 (Plaintiff's Exhibit # 2 - HWA  
3 general service offense incident report -  
4 received and marked for identification,  
5 as of this date.)

6 Q With respect to Plaintiff's Exhibit 2, is  
7 that something you authored?

8 A Yes, sir.

9 Q You signed it at the bottom?

10 A Yes, sir.

11 Q Does that refresh your recollection  
12 regarding Mr. Goynsztaja? What he looked like, the  
13 incident involving him?

14 A No, sir.

15 Q Again, this was a common occurrence that  
16 you filled out these affidavits?

17 A Yes, sir.

18 Q And the date of this incident was May 23,  
19 2006?

20 A Yes, sir.

21 Q Do you recall telling Michael Williams of  
22 Internal Affairs that you observed Mr. Goynsztaja  
23 in possession of a badge resembling a New York City  
24 Police Department detective shield bearing words  
25 New York City Transit Authority?

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1 W. Vega 32

2 A I don't recall.

3 Q And according to your notes, did Mr.  
4 Goynsztaja try to use this badge to get into the  
5 building?

6 A No, sir.

7 Q It's simply that you saw it on the x-ray  
8 machine.

9 A Yes, sir.

10 Q People were required to put their  
11 possessions on the x-ray machine --

12 A Correct.

wvega.txt

13 and Q -- even their jacket, empty their pockets  
 14 A Yes.  
 15 Q -- take off their shoes --  
 16 A Yes, sir.  
 17 Q -- belts?  
 18 A Yes, sir.  
 19 Q So neither Mr. Goynsztaja or Mr. Dikler,  
 20 according to your notes, attempted to use the badge  
 21 to get in the building, correct?  
 22 A Correct.  
 23 Q And nonetheless, with respect to Mr.  
 24 Goynsztaja, because you saw a badge, you then asked  
 0033

W. Vega

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1 him for I.D.?  
 2 A Yes, sir.  
 3 Q And that he produced I.D. to you?  
 4 A Yes.  
 5 Q And you called federal security?  
 6 A Yes.  
 7 Q And they took Mr. Goynsztaja away --  
 8 A Yes.  
 9 Q -- and that's the last you heard of that?  
 10 A Yes, sir.  
 11 Q Do you recall if in Mr. Goynsztaja's  
 12 case, you were asked to speak to NYPD?  
 13 A No.  
 14 MS. PRIVETERRE: No, you don't  
 15 recall or no, you weren't?  
 16 THE WITNESS: I don't recall.  
 17 Q If you review your notes, your memo book  
 18 for that day, would you be able to determine  
 19 whether you spoke to NYPD or not?  
 20 A I don't recall.  
 21 Q Would you typically keep that in your  
 22 memo book?  
 23 A Typically, yes.  
 24 Q But you weren't asked to write on this

0034 W. Vega 34

1 affidavit whether you were asked to speak to NYPD.  
 2 A No, sir.  
 3 Q This was an HWA form, referring to  
 4 Exhibit 2, that you're asked to fill out by HWA or  
 5 by the federal security?

6 MR. BATTAGLIA: Note my objection.  
 7 Exhibit 2, like Exhibit 1 is several  
 8 different documents, so the offense  
 9 incident report does have HWA's  
 10 letterhead. But the affidavit, I'm not  
 11 sure if the affidavit is part of that  
 12 same form.

13 MR. ZELMAN: I heard you. Let's  
 14 stick to the question.

15 MR. BATTAGLIA: You're referring to  
 16 the exhibit as one thing.

17 Q The exhibit you have in front of you is  
 18 Plaintiff's 2, correct?

19 A Yes.  
 20 Q Do you recall who asked you to fill that  
 21 out?

22 MR. BATTAGLIA: We're talking about  
 23 Page 14

wvega.txt

24 the offense incident --  
 25 MR. ZELMAN: First page.  
 0035

1 W. Vega 35  
 2 MR. BATTAGLIA: Could you recall who  
 3 asked you to fill that out?  
 4 THE WITNESS: No, sir.  
 5 Q And it has HWA's letterhead on the top.  
 6 A Yes.  
 7 Q Does that mean that HWA asked you to fill  
 8 it out?  
 9 A I don't recall.  
 10 Q And with respect to the affidavit on the  
 11 second page, were you asked to fill that out by HWA  
 12 or somebody else?  
 13 A Someone else.  
 14 Q Would that be Sergeant Mahoney?  
 15 A I couldn't tell you.  
 16 Q "I, Wilson Vega being duly sworn hereby  
 17 make the following affidavit to Sergeant Mahoney."  
 18 Do you see that?  
 19 A Yes, sir.  
 20 Q Does that mean Sergeant Thomas Mahoney  
 21 asked you to fill that out?  
 22 BATTAGLIA: Just note my objection  
 23 on the question. I'm not certain that  
 24 pre-text is sergeant. I'm looking  
 25 at the S/A.

0036 1 W. Vega 36  
 2 Q Let's go with Thomas Mahoney. Does that  
 3 seem that Thomas Mahoney asked you to fill that  
 4 out?  
 5 A Yes, sir.  
 6 Q Do you know who Thomas Mahoney is?  
 7 A I don't know the rank.  
 8 Q Do you know who he's employed by?  
 9 A GSA.  
 10 Q Did you make a determination when the  
 11 person presented I.D. to you, if that person who  
 12 presented I.D. was actually employed by the entity  
 13 represented on the I.D.?  
 14 A No, sir.  
 15 Q That wasn't part of your job.  
 16 A No, sir.  
 17 Q At any point, did you become aware that  
 18 the statements that you provided to either the  
 19 police or federal security were used in part of a  
 20 prosecution against people?  
 21 A No, sir.  
 22 Q Did you become aware of that when you  
 23 received that letter from the lawyer?  
 24 A Yes, sir.  
 25 Q Did you ever seek to inquire about which

0037 1 W. Vega 37  
 2 statements you made were used as part of the  
 3 prosecution?  
 4 A No, sir.  
 5 Q Were you ever called to testify before  
 6 with respect to a criminal case or civil case  
 7 arising from the recovery of badges at 26 Federal  
 8 Plaza?

## wvega.txt

9 A No, sir.  
 10 Q This is your first time?  
 11 A Yes, sir.  
 12 Q To your knowledge, how many suits were  
 13 filed against you with respect to recovering of  
 14 badges?  
 15 A To my knowledge? None.  
 16 Q You are aware of the Dikler lawsuit,  
 17 correct?  
 18 A I don't know if it's a lawsuit.  
 19 Q Okay.  
 20 A They just tell me I have a case. I don't  
 21 know.  
 22 Q Since 2006, has there been any change in  
 23 how badges -- with respect to your instructions,  
 24 about how to handle badges?  
 25 A My instruction? No, sir.

0038

1 W. Vega 38  
 2 Q The same instructions are if you see a  
 3 badge on the security belt, you ask the person for  
 4 I.D.  
 5 A Yes, sir.  
 6 Q What happens if they don't produce I.D.?  
 7 A Same procedure fall into it. Tell the  
 8 gentleman or lady stand by, federal police is on  
 9 the way.  
 10 Q Even in 2008, that's still the same  
 11 procedure?  
 12 A Yes, sir.  
 13 Q How often does that happen? In 2008?  
 14 A Maybe few times. Few.  
 15 Q Few times a week, a day?  
 16 A A month.  
 17 Q A lot of people don't come in with  
 18 badges?  
 19 A No, sir.  
 20 Q Are there any signs saying if you have a  
 21 badge, present it?  
 22 A No, sir.  
 23 Q Have you seen any difference in the way  
 24 that the federal police handle recovery of the  
 25 badges now?

0039

1 W. Vega 39  
 2 A No.  
 3 Q Do you know if they're still arresting  
 4 people?  
 5 A I have no idea.  
 6 Q After the person who gives I.D., the  
 7 federal police come, do you ever see people be put  
 8 in handcuffs? Do you ever see people leave the  
 9 building in handcuffs?  
 10 A No, sir.  
 11 Q When you went up to the federal office,  
 12 the GSA office --  
 13 A Yes, sir.  
 14 Q -- did you see the person who had the  
 15 badge there?  
 16 A Maybe once or twice.  
 17 Q And when you saw them, were they in  
 18 handcuffs?  
 19 A No, sir.

20 Q And when you saw them, did you realize  
 21 why they were there?  
 22 A No, sir.  
 23 Q Did you ever ask them?  
 24 A No, sir.  
 25 Q Did anybody ever tell you?

0040 1 W. Vega 40

2 A No.  
 3 Q Were you ever given instructions about  
 4 what is a legitimate badge and what is a forged  
 5 badge?

6 A No, sir.  
 7 MS. PRIVETERRE: Objection. What  
 8 do you mean, genuine?  
 9 Q You were never told, look out for this  
 10 type of badge or this is a suspicious looking badge  
 11 or something like that.

12 A No, sir.  
 13 Q You were just told anybody with a badge,  
 14 call federal security.

15 A Yes, sir.  
 16 Q Since your employment at 26 Federal  
 17 Plaza, have they installed a new metal detector?

18 A Yes.  
 19 Q And a new x-ray machine?  
 20 A Yes, sir.  
 21 Q And the x-ray machine is powerful enough  
 22 to see if there's a badge anywhere within the  
 23 things that are presented.

24 A Yes.  
 25 Q Even if it's presented under a jacket.

0041 1 W. Vega 41

2 A Yes, sir.  
 3 Q What is it about the badge that stands  
 4 out?

5 A The shape. And the color. They would  
 6 tell me what dense the metal is.

7 MR. ZELMAN: I have no further  
 8 questions.

9 EXAMINATION BY

10 MS. PRIVETERRE:

11 Q Good morning. My name is Joyce Campbell  
 12 Priveterre and I'll be asking you some questions  
 13 about the Dikler and Goynsztaja case this morning.  
 14 I just have a few questions I'd like to go through  
 15 before I begin to ask you deposition questions.

16 Are you taking any medication that would  
 17 impair your ability to testify truthfully?

18 A No, ma'am.

19 Q Have you taken any medication at all this  
 20 morning?

21 A No, ma'am.

22 Q I'm going to ask you questions. If you  
 23 don't understand any of my questions, just say so.  
 24 If I ask you for a name, date or place, you can't  
 25 recall, just let me know and we'll leave a blank in

0042 1 W. Vega 42  
 2 the record so when you and your attorney review the  
 3 transcript, you can supplement it.

4 Have you understood what I just said?

## wvega.txt

5 A Yes, sir. Ma'am.  
 6 Q With respect to Dikler -- and actually,  
 7 for the sake of my questioning, I'm going to ask  
 8 you the same questions for Goynsztaja -- did you  
 9 have any discretion at all with respect to visitors  
 10 holding badges or bringing in any badges to 26  
 11 Federal?

12 Did you have any discretion which you  
 13 would report to a police officer and which you  
 14 would let go through?

15 A No, ma'am.

16 Q So what was your understanding whether  
 17 what you would do if you saw a visitor with a badge  
 18 going into 26 Federal Plaza?

19 A Follow the procedures on all shields  
 20 coming into the federal building.

21 Q Would that include officers with whom you  
 22 are acquainted or that you recognized coming into  
 23 the building at another time?

24 A I don't understand the question.

25 Q Okay. Had you occasion to see members of

0043 W. Vega 43  
 1 NYPD or any other law enforcement personnel come to  
 2 26 Federal on a frequent basis?

3 A Not on my tour. Not at my door. They  
 4 have a separate entrance for them.

5 Q Did anyone from NYPD ask you specifically  
 6 to fill out any of the forms that you have been  
 7 presented in either Plaintiff's 1 or 2?

8 A NYPD? No, ma'am.

9 Q If I asked you today to give me a  
 10 physical description of either Detective Michael  
 11 Visconti or Detective Michael Williams, could you  
 12 do so?

13 A No, ma'am.

14 Q Do you know whether or not since two  
 15 these events, Dikler and Goynsztaja, whether you  
 16 had reported them to Detective Visconti or  
 17 Detective Michael Williams?

18 A I don't know, ma'am.

19 Q With respect to the memo books that you  
 20 referenced in response to Mr. Zelman, you said  
 21 they're property of HWA; is that correct?

22 A Yes, ma'am.

23 Q If requested, could you obtain copies of  
 24 those memo books?

0044 W. Vega 44  
 1 A I do not know.

2 MS. PRIVETERRE: We're going to call  
 3 for copies of the memo books. I will  
 4 follow up in writing.

5 MR. ZELMAN: I join in this request.

6 MR. BATTAGLIA: Take it under  
 7 advisement.

8 Q How detailed or not detailed would you  
 9 have to be in these memo books?

10 A Pretty much what's on here.

11 Q When you say here, with respect to either  
 12 Plaintiff's 1 or 2, are you referring to all 4  
 13 pages or just select pages?

14 A All four pages.

wvega.txt

16 Q So essentially, what appears before you  
 17 in Exhibits 1 or 2 is the information you would  
 18 have put in your memo books?

19 A Yes, ma'am.

20 Q As you testified today, if I asked you if  
 21 you knew Robert Alleyne, what would your response  
 22 be?

23 A Yes.

24 Q You do.

25 A Yes.

0045

W. Vega

45

1 Q In what capacity do you know this  
 2 individual?

3 A We work together.

4 Q Presently?

5 A No.

6 Q For how long did you work with this  
 7 individual?

8 A About three years.

9 Q And can you give me an approximate start  
 10 and approximate end of that working relationship?

11 A No, ma'am.

12 Q Was it recently, these three years?

13 A No, a while back.

14 Q A while back --

15 A Two years.

16 Q Two years ago, possibly?

17 A Yes.

18 Q And what was his rank?

19 A Sergeant.

20 Q Was he supervisor of you?

21 A Yes, ma'am.

22 Q Did he work with HWA?

23 A Yes, ma'am.

24 Q Is this a person with whom you would have

0046

W. Vega

46

1 to speak before you referred a visitor to police  
 2 officers?

3 A Yes, ma'am.

4 Q So there's another tier between yourself  
 5 and the police officers.

6 A Yes.

7 Q Was it his, Mr. Alleyne's job to sign off  
 8 essentially the confiscation of the badge, or what  
 9 would you call it? What was his duty in terms of  
 10 giving you the green light?

11 A I don't understand the question.

12 Q Okay, let me rephrase that.

13 What exactly did you seek from Robert  
 14 Alleyne with respect to supervisory functions, what  
 15 were you asking him to do?

16 MR. BATTAGLIA: When people came in  
 17 with shields.

18 MR. PRIVETERRE: Yes.

19 MR. BATTAGLIA: What was Mr.

20 Alleyne's role in that process.

21 A How can I put that in words.

22 That's a supervisor. Proper procedure to

23 follow.

24 Q Did you ever have an incident where you

0047

wvega.txt

W. Vega

47

1           brought to Mr. Alleyne's attention a situation  
 2 where you thought that you had a badge that should  
 3 be confiscated and he said no?

4           A     No, ma'am.

5           Q     So is it your recollection that  
 6 throughout the three years that he supervised you,  
 7 that whenever you brought him -- for lack of a  
 8 better phrase -- a badge situation, that he would  
 9 sign off on that?

10          A     I don't understand the question.

11          Q     Okay. The three years that he supervised  
 12 you, when you brought him a situation where you had  
 13 a visitor bringing in a badge --

14          A     Mm-hmm.

15          Q     -- did he approve of you bringing this to  
 16 his attention in the federal office?

17          A     Don't recall.

18          A     Don't understand the question still.

19          Q     Normal procedures were we let the  
 20 supervisor know and they would go to FBO, same  
 21 office.

22          Q     You never directed calls to FBO?

23          A     No, ma'am.

24          Q     That's always through your supervisor?

0048

W. Vega

48

1           A     Yes, ma'am.

2           Q     In your presence, did you observe any  
 3 conversations between Mr. Alleyne and the federal  
 4 officers? Did they talk in front of you?

5           A     No, ma'am.

6           Q     Was there ever an occasion where you had  
 7 to directly speak to federal police officers  
 8 because Mr. Alleyne's not available?

9           A     When he was supervisor?

10          Q     Yes.

11          A     No, ma'am.

12          Q     Okay. Are you acquainted with a Captain  
 13 Rodriguez?

14          A     Yes.

15          Q     What function did he play?

16          A     Supervisor.

17          Q     Did he come after or before or something  
 18 else, in terms of Captain Alleyne?

19          A     You could say they were there at the same  
 20 time.

21          Q     So how many supervisors would you say,  
 22 besides Alleyne and Rodriguez, did you go to?

23          A     At the same time? Or?

24          Q     During the same three years, I would say.

0049

W. Vega

49

1           A     About ten, ten different supervisors.

2           Q     And in all instances, the supervisor, in  
 3 your recollection, would be the one to actually  
 4 speak to FPOs.

5           A     Yes, ma'am.

6           MS. PRIVETERRE: Off the record.

7           (Whereupon, a discussion was held

8           off the record.)

9           Q     Is there any way for you to approximate  
 10 the period of time from, say March 1st '06 to June

wvega.txt

12 1st '06, how many of these incidents with visitors  
 13 bringing in badges did you deal with?  
 14 A No.  
 15 Q Would it be more than ten?  
 16 A I don't recall.  
 17 Q Okay. Well, let's broaden the scope.  
 18 Say from March 1st of '06 to present, May 9 '08,  
 19 last Friday, how many badges have you had to stop  
 20 visitors for?  
 21 A Couldn't give you precise numbers.  
 22 Q Okay, again, more than ten, more than 20?  
 23 A About more than 30.  
 24 Q More than 30, okay.  
 25 And again, to your knowledge, the only

0050

1 W. Vega 50  
 2 Lawsuit commenced against you are the ones that  
 3 bring us here today, Goynsztaja and Dikler?  
 4 A Yes.  
 5 Q Have you ever had occasion to hear any  
 6 complaints about force being used on any visitors  
 7 from 26 because of badges?  
 8 A No, sir. No, ma'am.  
 9 Q Have you heard anything about how either  
 10 Mr. Dikler or Mr. Goynsztaja was questioned by  
 11 either federal police officers or NYPD?  
 12 A No, ma'am.  
 13 Q Did you witness any questioning of these  
 14 plaintiffs by NYPD?  
 15 A No, ma'am.  
 16 Q Were you obligated to do any sort of  
 17 follow-up after reporting to your supervisor with  
 18 respect to these badges?  
 19 A No, ma'am.  
 20 Q In terms of I.D., was there a particular  
 21 form of I.D. you asked for after you saw a badge go  
 22 through the magnetometer?  
 23 A Normally asked the one that would go with  
 24 the shield.  
 25 Q Which would be?

0051

1 W. Vega 51  
 2 A If it's NYPD. NYPD I.D. EMT, they would  
 3 have it. The detectives. We ask them, namely.  
 4 Q And in the scenario where a visitor was  
 5 able to give you the NYPD card, in addition to the  
 6 shield, would that person be able to go through the  
 7 door area and go into the building and conduct  
 8 business?  
 9 A No, ma'am.  
 10 Q It wasn't simply the cards, the I.D.  
 11 cards, it was the shield that you had to report it  
 12 to your supervisor?  
 13 A Yes, ma'am.  
 14 Q Having reported it to your supervisor,  
 15 let's say if the person had the correct I.D. card  
 16 from whatever entity that was displayed on the  
 17 shield, do you know what would happen at that  
 18 point?  
 19 A The FPO would still respond to the call.  
 20 Q Would they necessarily take that  
 21 individual away to another office or just examine  
 22 the I.D.?

## wvega.txt

23 A They would take them away.  
 24 Q Is there any part of the person's  
 25 belongings that you would keep after you refer the  
 0052

1 W. Vega 52  
 2 matter to your supervisor?

3 A No, ma'am.

4 Q Did you ever have occasion to speak to a  
 5 D.A. with respect to doing a supporting affidavit?

6 A This was only one time. I don't recall  
 7 the information on that.

8 Q Did it involve either plaintiff?

9 A To my recall, no, ma'am.

10 Q Is this a case that you believe there has  
 11 ever been a lawsuit, a civil lawsuit against you?

12 A No, ma'am.

13 Q Do you recall in what context you were  
 14 given to give any kind of supporting affidavit?

15 A It was -- they wanted to find out how to  
 16 spell my name right, Vega, that was it.

17 Q Was this a D.A.?

18 A Yes, ma'am.

19 Q Now we've talking about FPOs. Was Thomas  
 20 Mahoney the only person in charge of FPOs?

21 A I don't recall.

22 Q In what context do you know his name?

23 A I don't know. Whenever -- again, we  
 24 follow the procedures, we fill out the forms. Once  
 25 in a while they call us in the room. He looks over  
 0053

1 W. Vega 53  
 2 the paperwork.

3 Q He, who?

4 A Mr. Mahoney. And whoever he sends to  
 5 testify about that, and that would be it.

6 Q Do you have an understanding of the chain  
 7 of command where Mahoney fits in?

8 A No, ma'am.

9 Q Did the FPOs answer to him?

10 A I do believe so, yes, ma'am.

11 Q Did NYPD answer to him? If you know.

12 A I don't know.

13 Q Okay. Now in terms of Exhibits,  
 14 Plaintiffs' Exhibits 1 and 2, you say that you  
 15 swore to these statements, correct?

16 A Yes.

17 Q And so that everything that appears in  
 18 both exhibits, Plaintiff's 1 and 2, were truthful  
 19 and accurate, as you knew them.

20 A Yes, ma'am.

21 Q Sitting here today, is there anything in  
 22 either exhibit that you would change?

23 A No, ma'am.

24 Q Were you coerced in any way for  
 25 completing either of these exhibits?  
 0054

1 W. Vega 54

2 A No.

3 Q Or any of the documents contained  
 4 therein?

5 A No, ma'am.

6 Q Could you describe Thomas Mahoney, if I  
 7 asked you to?

wvega.txt

8 A No, ma'am.

9 MS. PRIVETERRE: I have no  
10 further questions.

11 MR. ZELMAN:

12 Q I just want to serve you with a copy of  
13 the summons and complaint regarding Allen  
14 Bernstein versus City of New York. Show it to  
15 your attorney.16 Can you acknowledge that you received  
17 that document?18 (Continued on next page so that  
19 Jurat will be part of the testimony.)  
20  
21  
22  
23  
24  
25

0055

1 A Yes. W. Vega

55

3 MR. ZELMAN: Thank you.  
4 (Time noted: 11:25 a.m.)  
5  
67 WILSON VEGA  
8  
910 Subscribed and sworn to  
11 before me this \_\_\_\_\_  
12 day of \_\_\_\_\_, 2008.  
13  
1415 Notary Public  
16  
17  
18  
19  
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0056

1	I N D E X	56
2		
3 EXAMINATION BY		PAGE
4 MR. ZELMAN		6
5		54
6 MS. PRIVETERRE		41

8	E X H I B I T S	56
9 PLAINTIFF'S	DESCRIPTION	PAGE
10 1	Dikler incident report	25
11 2	Goynsztaja incident report	30

12	R E Q U E S T S	56
13	PAGE	LINE
14	44	2

15 \* \* \*

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1 C E R T I F I C A T E  
2  
3  
4

5 STATE OF NEW YORK:  
6 :  
7 COUNTY OF KINGS :  
8

9 I, LYNETTE YUEN, a Notary Public  
10 within and for the State of New York, do hereby  
11 certify:

12 That the witness(s) whose examination(s)  
13 are therein before set forth were duly sworn and  
14 that such examination(s) are true records of the  
15 testimonies given by such witness(s).

16 I further certify that I am not related  
17 to any of the parties to this action by blood or  
18 marriage, and that I am in no way interested in  
19 the outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto set  
21 my hand this 29th day of May, 2008.  
22  
23  
24

---

25 LYNETTE YUEN